

Fiscal Year 2013, Public Law 112-239, January 2, 2013, I hereby transmit principles for modernizing the military compensation and retirement systems requested by the Act.

BARACK OBAMA.

THE WHITE HOUSE, September 12, 2013.

GOVERNMENT SHUTDOWN

THE SPEAKER pro tempore. Under the Speaker's announced policy of January 3, 2013, the Chair recognizes the gentlewoman from the District of Columbia (Ms. NORTON) for 30 minutes.

Ms. NORTON. Mr. Speaker, as the House adjourns, I want to note that when we come back the House will be in session for 5 days before the end of the fiscal year. That could bring a shutdown of the Federal Government. What most Americans don't know is that that could bring a shutdown also of the government of the Nation's Capital, the District of Columbia.

I want to make clear that there is not a single Member of this House or the Senate who desires that outcome. There is nothing in that for anybody. Many Members of Congress and their staff actually live in the District of Columbia, so to have the Nation's Capital shut down is not anything that would be even in their interest.

Beyond their own interest, most Members of Congress believe in local control and are mystified when they come here, whatever their party, to find that the Congress has anything to do with the local budget of the District of Columbia—\$8 billion raised by the city—which has to come here before the city can spend a dime of its own money.

The city has before the Congress, as I speak, a balanced budget. In fact, a budget that has won plaudits all around the country, and even in this Congress, because of the fund balance that the city has managed to build—over \$1 billion—over time. D.C.'s very middle name should be "prudence." If anything, the District of Columbia has been an example of what we are trying to get cities and States all across the country to do.

I understand why the leadership decided not to move forward with a continuing resolution, which would have guaranteed that the government would remain open until December 15. They need the time to get the votes and to satisfy their Members. That's perfectly understandable. What would not be understandable is if we went through another shutdown crisis.

The government actually did shut down about 18 years ago. I do want to say here on the floor how grateful I am to the Speaker of the House at the time, Newt Gingrich, who indeed kept the District of Columbia, the Nation's Capital, open during multiple shutdowns of the Federal Government. He did so simply because it makes no sense to shut down the government of the Nation's Capital, which has not one ounce of interest in or blame for the

disputes that have increasingly grown and have caused us to go on continuing resolutions because we do not get our bills done in time. There needs to be time to reconcile those matters.

It is important to note that the District of Columbia budget, which was submitted here on time, is in such good shape that it did, in fact, pass both of the appropriation committees that receive it. So there's no issue here involving the District of Columbia, no reason why anybody would want it entangled in a Federal dispute. In fact, I thought that my good friends in the majority, above all, stood for disentanglement of the Federal Government from what should rightly be the work of the localities.

I hasten to say this is an unintended consequence that comes from the fact that most Members don't even know it. Members come here to do the business of their district and the Federal Government. They don't come here to be educated on the District of Columbia. They have no idea that the District would close down if there was a close-down of the Federal Government. They would understand that I must do my job, and that is to take whatever steps I can to make sure that this unintended result does not occur.

I'm asking to testify at the Rules Committee when the continuing resolution is considered. That is the resolution, as I indicated, that would keep the government open until December 15. It is interesting to know that with only a slight change the District of Columbia would not be an issue here.

I want to thank the Republican appropriators who—it must be at least 10 years ago—corrected another consequence that the Congress never intended. The District budget used to be held up whenever the budget, of course, of the Federal Government was held up, and for the very same reason that it hadn't come to the floor.

So you had a city whose budget was due out by September 30 which sometimes got out in November or December. This wreaked havoc on the opening of schools and on the ability of the city to contract because the budget was over here and hadn't been passed.

It is important also to put on the record that the budget doesn't come here because any Member of the Congress is interested in the budget or thinks that their oversight is necessary to make sure that the budget is done correctly. In fact, the budget is virtually never looked at.

What does happen when a budget comes here is that extraneous amendments that reflect the views, not of the District of Columbia, but of a Member who is offering them, often are attached to our budget.

The Appropriations Committee has never interfered with the budget itself. How could they? The budget has been put together by D.C. Council subcommittees and committees and the city has a chief financial officer—the only jurisdiction in the United States

that has a financial officer appointed for 5 years, cannot be fired except for cause, who has to pass on the budget and make sure that there is no overspending. The D.C. budget comes here out of tradition. It comes here because for more than 200 years it has come here while the Congress has been trying to figure out how to deal with the anomalous position that it has put its Nation's Capital in.

So here it is. In order to avoid the budget getting out so late that you cripple or certainly make extremely difficult the ability of the city officials to run a big, complicated city, the appropriators agreed upon a small change. I'm asking us to act on that already existing change.

That change says that in every CR there will be, no matter what the CR says, and most CRs say very little, that the District will be allowed to spend its own funds at the levels that have been approved by its council, and by the Mayor, at next year's level. That has had enormously important good effects on the city. I believe we will be in the upcoming CR in the same way.

As the District's Member of Congress, I have to contemplate the possibility, however, that even on December 15 the government could close down. And I would have to, indeed, look at what would be even, perhaps, better, that it didn't close down but there was yet another CR. Imagine trying to run a big city in the United States on multiple CRs. That's what I'm trying to avoid. That's what no Member of Congress intends.

I also have had to take precautions for the possibility that even the CR that comes before us—I'm hoping next week—could fail. If that CR fails, I also have a bill that would allow the District to run whenever the Federal Government shuts down, this year and in perpetuity. Again, if I am right that there is no Member who would like to shut down any local jurisdiction, and especially the Nation's Capital, then I think this bill would take care of it.

I have to go now to the Rules Committee for the CR, the next step. That's the next opportunity to draw this matter to the attention of the House and to, therefore, by amendment allow the District to spend for the entire fiscal year, not from CR to CR, but for the entire fiscal year.

I don't think that is asking too much, and I've never had an objection when I've tried to keep the District open. It has been difficult to do. Three times the District almost shut down in recent history because we got that close to it.

The problem for the city when the city almost closes down runs close to being like if it does close down. The city can't assume the best; it has to assume the worst, so it has to call out its staff and its lead officials to prepare for a shutdown even if a shutdown does not occur.

The only responsible thing for the city to do right now with only 5 session

days left, at least as it now stands, because there is to be a recess beginning at the end of the month, is we've got to assume the status quo and we've got to assume the worst because it would be irresponsible not to. So, in addition, I have to put in a bill—that's in addition to the amendment—that would allow the District to remain open.

To illustrate just how unintended would be a shutdown, the House needs to know that the Oversight and Government Reform Committee, on which I sit, has passed a bill that would give the District more autonomy over its local budget and, importantly, would keep the District from shutting down. That bill now is pending and could come to the floor at any point.

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The President of the United States has in his budget a shutdown avoidance bill for the District, and the Senate Appropriations Committee has the same language in its bill. The House appropriators have taken the position that they do not believe the District should be shut down. Of course, they defer to the authorizers, as I indicated, and the Oversight Committee has legislation that has been voted out of committee that is now pending.

I think any Member who has held local office—and by the way, I did not hold local office before I came to Congress—have, I think, a better idea of what such a threat means to a local jurisdiction and how much it is at odds with what both sides understand to be the American approach to federalism, when local jurisdictions get to run their own localities and States and, by the way, get to raise their own funds. That is what the District has done, and it has done it well.

These frequent shutdown threats have had a very disruptive effect on the city and on its employees and on its residents. It does something that we, I'm sure, appreciate that no elected official wants to have happen: it casts a pall of uncertainty right when you're looking forward to a budget for the coming year. That kind of uncertainty already has had its effect. Wall Street, for example, understands that the District budget is not final until it somehow is passed out of the Congress. The District pays a premium—it pays a price—for that because there are two bodies, not one, that get a say over its local budget.

No city should ever have to wonder whether it will be shut down. Shutdowns really don't occur at the local level because residents won't let it occur. They are close enough to the people so that that is not a threat you could much get away with at the local level. Here we are some levels above that, and most Members and most Americans don't know that there is local legislation that is put in that peril as I speak.

The District has about 630,000 residents. It's growing well. People are moving into the city, not out. There

are cranes all over town; and much of this comes out of the excellent management of the city, out of the way the city has conducted its economic affairs, out of the fact that it has an independent chief financial officer, who cannot be fired because he disagrees with the council or with the Mayor and, therefore, has to tell the truth. It's all worked together to make the District the kind of jurisdiction that the Congress, at least, should have no concerns about and, I believe, has no concerns about.

The price the District would pay is hard for me to make clear to Members because it would have to occur before they felt it. We have come close to feeling it; and almost 20 years ago, we did, in fact, feel it. There are some parts of your services to the people that continue, but huge parts cannot because the Congress has not passed the budget, not because the Congress objects to the budget and not because any Member of this House desires that outcome.

This House does not mean to hold the District budget as hostage. If it did, there would have been something the District could do to get out of the hostage fight. So what makes this so frustrating is that there is nothing we can give, nothing we can do to extricate ourselves from a fight that is wholly inside baseball within this Chamber and the Chamber across the way. To be sure, I have contacted my Senate allies; but, frankly, this has to be done here. We've got to get agreement on both sides of the aisle to the simple proposition that those of us who believe in the great and important freedoms of the Framers would least want to be held responsible for closing down a local jurisdiction, one with which we have no beef.

This country was established on a pedestal of federalism. One thing we understand is the difference between a local jurisdiction and its rights and responsibilities and ourselves. If anything, there are Members of this Chamber who would want some of what the Federal government does no longer done by the Federal Government at all but, in fact, to be the work of local jurisdictions. Many in this Chamber not only support but, indeed, believe that local jurisdictions do a better job at governing than does any institution at the Federal level. I can, therefore, find no set of principles here from any Member of Congress that would be in play when the decision is made on my amendment to the continuing resolution or on the bill that I will introduce as a fallback in case it does not occur.

As we go home, perhaps earlier than expected, to ponder what to do with keeping the Federal Government open, I ask that Members bear in mind that they would be closing not only Federal agencies but the District of Columbia Government. In the name of the people of the District of Columbia, I ask you, wherever we stand on the Federal Government, to allow the District of Columbia to move forward, to govern

itself, and to take care of its day-to-day business.

Mr. Speaker, I yield back the balance of my time.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 281

Ms. GABBARD. Mr. Speaker, I ask unanimous consent to be removed as a cosponsor of H.R. 281.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Hawaii?

There was no objection.

THE INVESTIGATIONS OF CONGRESS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 3, 2013, the Chair recognizes the gentleman from Texas (Mr. GOHMERT) for 30 minutes.

Mr. GOHMERT. Thank you, Mr. Speaker.

There are a couple of issues that are certainly worth elaborating on today. One is codified in The Wall Street Journal article from September 11, yesterday, and 7:35 p.m. is when it's timed out. It's regarding IRS Supervisor Lois Lerner. The article is entitled "Lois Lerner's Own Words."

The article reads:

Congress' investigation into the IRS targeting of conservatives has been continuing out of the Syria headlines, and it's turning up news. Emails unearthed by the House Ways and Means Committee between former director of Exempt Organizations Lois Lerner and her staff raise doubts about IRS claims that the targeting wasn't politically motivated and that low-level employees in Cincinnati masterminded the operation.

In a February 2011 email, Ms. Lerner advised her staff, including then Exempt Organizations technical manager Michael Seto and then Rulings and Agreements director Holly Paz, that a Tea Party matter is "very dangerous" and is something "counsel and Lerner adviser Judy Kindell need to be in on." Ms. Lerner adds, "Cincy should probably NOT have these cases."

That's a different tune than the IRS sang in May when former IRS Commissioner Steven Miller said the Agency's overzealous enforcement was the work of two "rogue" employees in Cincinnati. When the story broke, Ms. Lerner suggested that her office had been unaware of the pattern of targeting until she read about it in the newspaper. "So it was pretty much we started seeing information in the press that raised questions for us, and we went back and took a look," she said in May.

Mr. Speaker, so no one misunderstands, it is a crime to give false information to Congress.

The article goes on:

Earlier this summer, IRS lawyer Carter Hull, who oversaw the review of many Tea Party cases and questionnaires, testified that his oversight began in April 2010. Tea Party cases under review are "being supervised by Chip Hull at each step," Ms. Paz wrote to Ms. Lerner in a February 2011 email. "He reviews info from TPs—or Tea Partys—correspondence to TPs, et cetera. No decisions are going out of Cincy until we go all the way through the process with the (c)(3) and (c)(4) cases here."